

MINUTES
BOARD OF ADJUSTMENT
August 3, 2006

THOSE IN ATTENDANCE

Gary Soule, Chairman	Jason Jaggi, City Planner
Anne Martin	Kevin O'Keefe, City Attorney
Rick Bliss	
Mel Disney	
Kevin Williams	

At 5:00 p.m., Chairman Soule advised the applicants and other audience members that he will call the meeting to order once the City's attorney arrives.

Chairman Soule called the meeting to order at 5:10 p.m. and apologized for the delay. He introduced himself and asked each member to do the same.

MINUTES

The minutes of the meeting of July 6, 2006 were presented for approval. The minutes were approved, after having been previously distributed to each member.

Chairman Soule welcomed everyone to the meeting. He stated that the members of this Board are appointed by the Mayor and approved by the City's Board of Aldermen and serve without monetary compensation. He indicated that a full compliment of the Board consists of 5 members and that four members must vote in favor of a variance in order for the requested variance to be granted. He stated that the applicant must demonstrate practical hardship with regard to the property in order to justify the granting of a variance. He then advised that this is a duly advertised, duly noted meeting and that the proceedings are of record. He reminded everyone that all testimony is tape-recorded and the minutes produced from this recording. He then asked that all individuals wishing to speak to please speak clearly. He stated that generally, the City will present its exhibits first, after which the applicant will make their presentation, then questions/comments from the Board members will ensue after which audience comments will be solicited and finally, a vote will take place.

Chairman Soule indicated that Attorney Gary Feder, representing 28 Broadview, has an announcement to make.

Gary Feder was sworn-in by the Recording Secretary.

Mr. Feder announced that he represents both Bill Roper of Chesapeake Homes and the home buyers (Mr. and Mrs. Deutsch), who are requesting a continuance of this matter until the next regularly scheduled meeting of September 7th. He advised the members that the Bradley's,

owners of 30 Broadview, have raised concern with regard to the survey submitted by Chesapeake Homes for this variance request and have asked that they be allowed to obtain their own survey before this item is considered. He indicated that George Stock of Stock & Associates will be performing the survey for the Bradley's. He stated that his clients want to accommodate the Bradley's and are therefore asking for a continuance.

Christopher Blanton (Attorney with Stolar Partnership, 911 Washington Avenue, St. Louis MO), representing the Bradley's, concurred with Mr. Feder's comments and supports the continuance. (Note that Mr. Blanton was sworn-in by the Recording Secretary prior to his testimony).

Mel Disney asked staff when the deadline is for submitting for the September 7th meeting.

Jason Jaggi indicated that the proposal that is before them this evening will be re-distributed for the next meeting, provided there is no change to the plans and/or appeal.

Chairman Soule made a motion to continue this item until the meeting of September 7th. The motion was seconded by Rick Bliss and unanimously approved by the Board.

AN APPEAL FROM MICHAEL GREENFIELD AND CLAIRE HALPERN FOR THE PROPERTY AT 6425 CECIL

All individuals currently in attendance wishing to speak with regard to this variance were sworn in by the Recording Secretary.

Chairman Soule thanked the applicants for their patience while the request for continuance was requested and made for the 28 Broadview project.

Jason Jaggi began a PowerPoint presentation. The following slides were presented:

- Photograph of front of property/house.
- Location map, depicting the R-2 zoning designation.
- Aerial photograph, depicting the unusual placement of the house on the lot (house favors the east side of the lot).
- Two photographs of the property, depicting the shared driveway and heavy landscaping.
- General information regarding the setback requirements for this lot.

Rick Bliss asked if the 2 foot variance was granted, if that would still leave over a 7 foot side yard setback.

Jason Jaggi replied "yes".

Mr. Michael Blaes, project architect, and owners, Michael Greenfield and Claire Halpern, were in attendance.

Mr. Blaes indicated that the proposed screened-in porch will fill in the corner where the deck is. He stated the porch will connect the family room with the kitchen. He stated this is the most practical location to put the porch. He indicated his appreciation of the City's presentation. He advised the members that the original house encroached about 5 feet into the side yard setback and about 2 ½ feet into the rear yard setback. He stated the practical difficulties are the location (placement) of the house on the lot and the arrangement of the rooms. He advised the members that he has written support of the neighbors to the rear and the east (copy provided) and that no opposition has been received from any of the neighbors.

Chairman Soule indicated that the letters of support will be entered into the record.

Mr. Blaes indicated that this concludes his presentation and asked if there were any questions.

Mel Disney asked about the existing 6' wood fence that is on the neighbor's property.

Mr. Greenfield indicated that his neighbor's driveway is close to his east property line and that the fence, along with the existing landscaping, will remain. He stated he believes the porch will have no impact on their property.

Mel Disney questioned why the fence was located in its current location, resulting in additional yard space.

Anne Martin asked if the porch were located on the other side (west side) of the house, would it meet the setback requirements.

Mr. Greenfield indicated that he believed it would meet setbacks, but that they would lose a 40 foot Ginko Tree and would not provide the value they are looking for and doubts that he would proceed with the project.

Rick Bliss asked why a more permanent structure is not being sought (versus a screened-in porch); one that can be used more than just a few months out of the year.

Mr. Greenfield advised the members that he and his wife previously lived in Clayton Gardens and they thoroughly enjoyed it and used it 7 or 8 months every year.

Mel Disney asked if the porch could be narrowed by 2 feet (resulting in a 10-foot wide room versus a 12-foot wide room), thereby not needing the side yard setback variance.

Mr. Greenfield indicated that a 10 X 22 oblong room is not usable or desirable.

Mr. Blaes advised the members that as an architect, he would not recommend a room that is only 10-feet wide, as they are narrow and difficult to use. He stated 12-foot is the minimum width he

recommends. He stated that additionally, there are existing windows and a door that would be impacted negatively if the room were reduced to 10 feet.

Chairman Soule asked if the applicant has met the hardship as defined by the State and by Article 8 of the City's Zoning Ordinance.

Jason Jaggi replied "yes".

Chairman Soule asked if the hardship being offered here is the irregularity of the lot.

Jason Jaggi replied "yes".

Chairman Soule asked Jason if, in staff's opinion, the addition were built as proposed, would have a detrimental impact on the value of the subject property or adjacent properties.

Jason Jaggi replied "no"; he did not believe so.

Chairman Soule asked if the applicant has demonstrated that the design will not have a negative impact.

Jason Jaggi indicated that he believes the design was carefully considered.

Rick Bliss noted that a change in the language of the first page of staff's report should be reflected to read: "A 5.67-foot variance from the required 30.0-foot rear yard setback and a 2.0-foot variance from the required 9.78-foot *side yard setback* to allow the construction of a screen porch at the rear of the property."

Chairman Soule asked if anyone wished to speak in opposition to the requested variance.

None were received.

Chairman Soule asked if anyone wished to speak in favor of the requested variance.

Mr. Walter Wittenberg, owner of 6464 Cecil, was sworn-in by the Recording Secretary.

Mr. Wittenberg stated that he believes the improvements will be a wonderful addition to the house and to the neighborhood and is in favor of granting the variance.

Chairman Soule asked City Attorney O'Keefe if a separate motion and vote is required to grant a variance to Section 2.3 of the City's Zoning Ordinance to allow construction not in conformance with the regulations established for the district in which the property is located.

City Attorney O'Keefe replied "no"; that is not necessary.

Chairman Soule then made a motion to grant a variance to Section 15.8.2 to allow a 5.67-foot variance from the required 30-foot rear yard setback. The motion was seconded by Kevin Williams and unanimously approved by the Board.

Chairman Soule then made a motion to grant a variance to Section 15.8.3 to allow a 2-foot variance from the required 9.78-foot side yard setback. The motion was seconded by Rick Bliss and unanimously approved by the Board.

Chairman Soule advised the applicants that the requested variances have been granted.

The members were advised that the next meeting will be September 7th.

Being no further business for the Board of Adjustment, this meeting adjourned at 5:45 p.m.

Recording Secretary